

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

JAMES D. MAYNOR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:10-CV-168
	)	(VARLAN/SHIRLEY)
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

This Social Security appeal is before the Court on the Report and Recommendation entered by United States Magistrate Judge C. Clifford Shirley on July 8, 2011 [Doc. 17]. There have been no timely objections to the Report and Recommendation and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In the Report and Recommendation, the magistrate judge recommends that plaintiff's motion for judgment on the pleadings be granted to the extent that it requests that this case be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for consideration of the opinions expressed by Mr. Martin and Mr. McColloch and that defendant Commissioner's motion for summary judgment be denied.

The Court has carefully reviewed this matter, including the underlying pleadings. The Court is in agreement with the magistrate judge's recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report

and Recommendation [Doc. 17]. Additionally, it is hereby **ORDERED** that defendant's motion for summary judgment [Doc. 15] is **DENIED**, that plaintiff's motion for judgment on the pleadings [Doc. 11] is **GRANTED** to the extent that it requests that this case be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), that the Commissioner's decision in this case is **REVERSED**, and that this case is **REMANDED** pursuant to 42 U.S.C. § 405(g) for a new hearing consistent with this order and the magistrate judge's Report and Recommendation.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE